

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

MARC B. WOLPOW 1995 FAMILY TRUST,  
BARRY S. VOLPERT and R. BRADFORD  
MALT, in their capacities as trustees of the Marc  
B. Wolpow 1995 Family Trust, MARC B.  
WOLPOW individually, and NINA WOLPOW,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation  
(Substantively Consolidated)

Adv. Pro. No. 10-04646 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDING**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Windels Marx Lane & Mittendorf, LLP, and defendants Marc B. Wolpow 1995 Family Trust, Barry S. Volpert and R. Bradford Malt, in their capacities as Trustees of the Marc B. Wolpow 1995 Family Trust, Marc B. Wolpow, individually, and Nina Wolpow (“Defendants”), by and through their counsel, Frejka PLLC (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed a Complaint against Defendants.
2. On January 17, 2014, Defendants filed an Answer to the Complaint.
3. On November 18, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [Dkt. No. 3181] (the “Settlement Agreement”).
4. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a (a) dismissal without prejudice of the Trustee’s claims against Defendants Marc B. Wolpow 1995 Family Trust, Barry S. Volpert and R. Bradford Malt, in their capacities as Trustees of the Marc B. Wolpow 1995 Family Trust, and Marc B. Wolpow, individually; (b) dismissal with prejudice of the Trustee’s claims against Defendant Nina Wolpow; and (c) dismissing of the adversary proceeding without costs to any party, subject to the right of the Trustee to move *ex parte* to re-open the adversary proceeding in the event of an uncured default in the installment payments to seek entry of judgment pursuant to the Stipulation for Entry of Judgment, as set forth in the Settlement Agreement.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: New York, New York  
December 4, 2015

By: /s/ Howard L. Simon  
Howard L. Simon (hsimon@windelsmarx.com)  
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New York, New York 10019  
Telephone: (212) 237-1000

*Special Counsel for Irving H. Picard, Esq., Trustee for the  
Substantively Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L. Madoff*

Dated: New York, New York  
December 4, 2015

By: /s/ Elise S. Frejka  
Elise S. Frejka (Efrejka@frejka.com)  
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*Attorneys for Defendants*

SO ORDERED

Dated: December 4, 2015

/s/ Stuart M. Bernstein  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE